

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF OHIO**

IN RE: : **CHAPTER 13 PROCEEDINGS**

LEROY N. BUTLER : **CASE NO. 17-60436**

: **JUDGE RUSS KENDING**

DEBTOR(S) : **MOTION TO DISMISS WITH
PREJUDICE**

Now comes the Standing Chapter 13, Trustee Toby L. Rosen, and declares under penalty of perjury.

1. The Debtor filed a petition for relief under Chapter 13 on 03/07/2017.
2. The Plan is unconfirmable.
3. The Debtor failed to make payments as ordered by the Bankruptcy Court.
4. The Debtor is delinquent in the amount of \$3,120.00.
5. The case is over 3 months delinquent.

Therefore, the Trustee requests an **Order Dismissing this case, with Prejudice**, pursuant to 11 U.S.C. Section 1307(c), so that, in accordance with Bankruptcy Code Section 109(g)(1), the Debtor(s) may not file a case in bankruptcy for one hundred eighty (180) days, except with leave of the Court.

/S/Toby L. Rosen

Toby L. Rosen, Chapter 13 Trustee

CERTIFICATE OF SERVICE

I certify that on July 14, 2017, a true and correct copy of the MOTION was served:

Via the court's Electronic Case Filing System on these entities and individuals who are listed on the court's Electronic Mail Notice List:

REBECCA K HOCKENBERRY, on behalf of LEROY N. BUTLER, at
rebecca@alhattorneys.com

And by regular U.S. Mail, postage prepaid, on:

LEROY N. BUTLER
204 HELEN AVENUE
MANSFIELD, OH 44903

/s/ Toby L. Rosen
Toby L. Rosen, Chapter 13 Trustee
400 West Tuscarawas Street, 4th Floor
Canton, Ohio 44702
330-455-2222

NOTICE OF MOTION FOR DISMISSAL AND NOTICE OF HEARING

TOBY L. ROSEN, the Standing Chapter 13 Trustee, has filed papers with the Court to **DISMISS** your case.

Your rights may be affected. You should read these papers carefully to discuss them with your attorney, if you have one, in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the Court to **DISMISS** your case, or if you want the Court to consider your views on the **DISMISSAL**, then on or before **AUGUST 4, 2017**, you or your attorney must file with the Court an objection, and attend a Hearing on said objection on **AUGUST 30, 2017 at 1:30 PM** at:

United States Bankruptcy Court
Ralph Regula Federal Building
401 McKinley Avenue, S. W.
Canton, Ohio 44702

You must also mail a copy to:

Toby L. Rosen, Chapter 13 Trustee
Charter One Bank Building
400 Tuscarawas Street, 4th Floor
Canton, Ohio 44702

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting the dismissal.

/S/Toby L. Rosen
Toby L. Rosen, Chapter 13 Trustee